

Bonita Morgan  
April 19, 2010

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TOM J. JONES (

(

VS (CIVIL ACTION NO. H-08-3742

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BONITA MORGAN, ET AL (

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ORAL DEPOSITION OF  
BONITA MORGAN  
APRIL 19, 2010

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ORAL DEPOSITION OF BONITA MORGAN, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on the 19th of April, 2010, from 9:49 to 5:10 p.m., before AMY GARCIA, CSR, in and for the State of Texas, reported by stenographic means, at the offices of Thompson & Horton, LLP, 711 Louisiana, Suite 2100, Houston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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1 Q. Now, had you, in fact, hired Valeta Rhodes for  
2 that position?

3 A. Yes.

4 Q. And when did you -- had you hired her?

5 A. 2005.

6 Q. Okay. In 2005. Just a year before?

7 A. When we opened the school.

8 Q. And that's Valeta Rhodes, V-a-l-e-t-a?

9 A. V-a-l-e-t-a, right.

10 Q. Now, did you -- did you tell the -- is it Warner  
11 Ervin, he was -- Warner Ervin, regional superintendent,  
12 South Region, is that where your school is located?

13 A. Correct.

14 Q. Did you tell Warner Ervin that you needed a --  
15 that you needed an additional music teacher?

16 A. No.

17 Q. And in fact, did you need an additional music  
18 teacher?

19 A. No.

20 Q. Okay. And so, did you assign Ms. Rhodes to some  
21 other duty other than music teacher once Mr. Jones  
22 arrived to do the same job?

23 A. No.

24 Q. Okay. And so, how did you deal with having two  
25 music teachers?

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1           A.    During the time they taught, they worked  
2 together for the first year.

3           Q.    So, in 2006, Mr. Jones worked with Ms. Rhodes;  
4 is that correct?

5           A.    That's correct.

6           Q.    Now, did you do an evaluation of Mr. Jones at  
7 the end of 2006?

8           A.    No.

9           Q.    Did your assistant principal do an evaluation of  
10 Mr. Jones at the end of 2006?

11          A.    I don't think so. I'm not sure.

12          Q.    All right. Well, since he was a new teacher, is  
13 there a particular reason why neither you or your  
14 assistant principal evaluated him in 2006?

15          A.    I just think it was the end of the year and  
16 trying to give him a chance to, you know, acclimate to  
17 the new school because it was the second semester. It  
18 wasn't at the beginning of the year.

19          Q.    Now, did Ms. Rhodes have any complaints  
20 regarding Mr. Jones during the -- during the year that  
21 she -- during that period that she worked with him?

22          A.    I can't recall.

23          Q.    Okay. So, you have no recollection of her  
24 having any complaints about it?

25          A.    No.

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1 Q. So, Ms. Rhodes decides to leave to go to  
2 graduate school at the end of the '06 year, right?

3 A. Yes.

4 Q. And then, now, do you make the decision to keep  
5 Mr. Jones on staff as your full-time music teacher? Is  
6 that your decision?

7 A. Yes.

8 Q. And so, that means that by making that decision,  
9 it's fair to say that you were satisfied with his job  
10 performance prior to the time that Ms. Rhodes left?

11 A. Don't have any documentation, then everybody's  
12 fine.

13 Q. Okay. Now, so, Mr. Jones returns for the school  
14 year, beginning in -- Mr. Jones returns for the school  
15 year, beginning in 2007; is that correct?

16 A. That's correct.

17 Q. And he teaches through the, I guess, school --  
18 the two -- the next year, is that the 2006-2007 year;  
19 is that correct?

20 A. 2007-2008.

21 Q. 2006 --

22 A. 2006-2007, yes.

23 Q. All right. So, that means he returned back to  
24 school and let's say that school turned out in May of  
25 '06. And then you-all started back up in, what, August

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1 Q. Now, when you say "Mr. Jones was having  
2 problems," let's take a look at Exhibit 3 to Mr. Jones'  
3 deposition. Okay. Now, Exhibit 3, what is that?

4 A. This is a document, State Professional  
5 Developmental Appraisal System evaluation form.

6 Q. And that's the evaluation that you prepared in  
7 April of '07 of Mr. Jones; is that right?

8 A. That's correct.

9 Q. Now, as you indicate here in Paragraph 11 of  
10 your declaration, now, you were the appraiser during  
11 the 2006-2007 and 2007-2008 school years for Mr. Jones;  
12 is that right?

13 A. Yes.

14 Q. And as you've already testified, you did not do  
15 any appraisal of him during 2006, correct?

16 A. Yes.

17 Q. And -- and that was during the period -- that  
18 would cover the period from when he first arrived in --  
19 at Hines-Caldwell in February 2006, through the end of  
20 the school year in December -- through the end of the  
21 first semester of the following school year in December  
22 of 2006, correct?

23 A. Yes.

24 Q. And so -- and as you've indicated, seeing how  
25 there are no records indicating any deficiencies in

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1 A. Ms. Rhodes never wanted to come back as a  
2 full-time teacher. She only wanted to come part-time  
3 because she was in a ministry.

4 MR. JEFFERSON: Objection; nonresponsive.

5 Q. (BY MR. JEFFERSON) In April of 2007, had you  
6 been advised by Ms. Rhodes of her desire to return to  
7 campus there at Hines-Caldwell as a music teacher?

8 A. I can't -- I can't remember when it was.

9 Q. And so, it very well could have been that by  
10 April, you were aware of that; is that right?

11 A. Could have not been. I don't know. I don't  
12 remember. I don't remember. I don't know.

13 Q. All right. So, how would we know that? Did she  
14 send you a letter? Was there a writing or something?

15 A. No, not that I --

16 Q. Was there a telephone call?

17 A. I don't recall. Possibly a telephone call. I  
18 don't know.

19 Q. Now, are you in -- and Ms. Rhodes are -- are you  
20 and Ms. Rhodes members of any sort of social  
21 organizations?

22 A. No. Not that I know of, no.

23 Q. Okay. Now, taking a look at Exhibit No. 3 to  
24 Ms. Jones' deposition there, April -- well, there are  
25 two dates on it. There's the actual date of the



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1 assessment, I guess, at the top, which is 4-3-07. You  
2 see that? And then it was signed on 4-5-07; is that  
3 correct?

4 A. That's correct.

5 Q. Okay. Now, this evaluation, how is it done?

6 A. This is a one-time observation, where you go  
7 into the classroom and you observe the teacher.

8 Q. Okay. And so -- so, you're saying that -- so,  
9 what -- does it have the date and time? Was it 10:30  
10 in the morning?

11 A. Till 11:15.

12 Q. Until 11:15 on this one day; is that correct?

13 A. That's correct.

14 Q. And so, now, as far as this evaluation is  
15 concerned, so, you're saying that a teacher's standing,  
16 based upon the evaluation that's done, can be based on  
17 just one day?

18 A. No, there are other walk-through's. You walk  
19 through all during the year. I had been walking in the  
20 classroom, observing Mr. Jones, giving him an  
21 opportunity to improve.

22 Q. Okay. And then -- are there walk-through  
23 documents that --

24 A. There are walk-through letters that you have  
25 that's filed.